

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES I. TONEY,)
Petitioner,)
v.) No. 4:03-CV-416 CAS
LARRY ROWLEY,)
Respondent.)

JUDGMENT

In accordance with the order of this date and incorporated herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**.

IT IS FURTHER ORDERED that no certificate of appealability will issue. Although it is possible reasonable jurists would find it debatable whether the Court's procedural ruling is correct on the limited issue of whether the state court's ruling on petitioner's motion filed under Missouri Supreme Court Rule 29.07(d) to withdraw his guilty plea removes any bar to federal court review, petitioner has not shown that reasonable jurists would find it debatable whether the petition states a valid claim of the denial of a constitutional right. Accordingly, this Court will not issue a certificate of appealability. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000).



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 29th day of September, 2006.